

Notice of Allowability

Application No.

09/957,434

Examiner

Michael C. Henry

Applicant(s)

YIV ET AL.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/17/04.
2. ☒ The allowed claim(s) is/are 75-135. These claims are renumbered 1-62, respectively.
3. ☒ The drawings filed on 19 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/24/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

JAMES O. WILSON**SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600**

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anne Marie Murphy (Reg # 54,327) on 1/19/05.

The application has been amended as follows:

In claim 99, step (d), the phrase "pre-prepared polymer dispersion" has been deleted and the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 99, step (e), the phrase "polymer dispersion" has been deleted and the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 102, step (d), the phrase "pre-prepared polymer dispersion" has been deleted and the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 102, step (e), the phrase "polymer dispersion" has been deleted and the phrase --polymeric hydrogel--- has been inserted therefor.

In claim 105, step (d), the phrase "pre-prepared polymer dispersion" has been deleted and the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 105, step (e), the phrase "polymer dispersion" has been deleted and the phrase --polymeric hydrogel--- has been inserted therefor.

In claim 108, step (d), the phrase "pre-prepared polymer dispersion" has been deleted and the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 108, step (e), the phrase “polymer dispersion” has been deleted and the phrase --
-polymeric hydrogel--- has been inserted therefor.

In claim 110, step (d), the phrase “pre-prepared polymer dispersion” has been deleted and
the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 110, step (e), the phrase “polymer dispersion” has been deleted and the phrase --
-polymeric hydrogel--- has been inserted therefor.

In claim 112, step (d), the phrase “pre-prepared polymer dispersion” has been deleted and
the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 112, step (e), the phrase “polymer dispersion” has been deleted and the phrase --
-polymeric hydrogel--- has been inserted therefor.

In claim 115, step (d), the phrase “pre-prepared polymer dispersion” has been deleted and
the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 115, step (e), the phrase “polymer dispersion” has been deleted and the phrase --
-polymeric hydrogel--- has been inserted therefor.

In claim 118, step (d), the phrase “pre-prepared polymer dispersion” has been deleted and
the phrase ---polymeric hydrogel--- has been inserted therefor.

In claim 118, step (e), the phrase “polymer dispersion” has been deleted and the phrase --
-polymeric hydrogel--- has been inserted therefor.

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Claims 131-134 (i.e., the last four claims) which recites: “

131. (New) A method for inhibiting the motility of sperm, the method comprising:

- a) providing a spermicidal composition of claim 91; and
- b) contacting the sperm with the spermicidal composition.

132. (New) The method of claim 131, wherein the sperm is contacted with the spermicidal composition intervaginally.

133. (New) A method for inhibiting the motility of sperm, the method comprising:

- a) providing a spermicidal composition of claim 93; and
- b) contacting the sperm with the spermicidal composition.

134. (New) The method of claim 133, wherein the sperm is contacted with the spermicidal composition intervaginally.

”, have been deleted.

Claims 132-135 which recites: “

132. (New) A method for inhibiting the motility of sperm, the method comprising:

- a) providing a spermicidal composition of claim 91; and
- b) contacting the sperm with the spermicidal composition.

133. (New) The method of claim 132, wherein the sperm is contacted with the spermicidal composition intervaginally.

134. (New) A method for inhibiting the motility of sperm, the method comprising:

- a) providing a spermicidal composition of claim 93; and
- b) contacting the sperm with the spermicidal composition.

135. (New) The method of claim 134, wherein the sperm is contacted with the spermicidal composition intervaginally.”, have been added.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Henry whose telephone number is 571-272-0652.

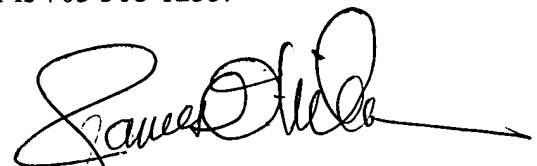
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The examiner can normally be reached on 8:30 am to 5:00 pm; Mon-Fri. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1235.

MCH

January 21, 2005.



JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600